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7       **WESTERN DISTRICT OF WASHINGTON BANKRUPTCY COURT**

8       **IN RE**

9       Billie Jean Harris

10      **NO. 22-11028**

11      **OBJECTION TO CLAIM #3**

12           I, Curtis Harris, the husband of the debtor Billie Jean Harris and owner of the  
13          property 34906 Military Road S, Auburn, WA 98001, objects to the Claim filed on  
14          behalf of Deutsche Bank National Trust Company in this case.<sup>1</sup> I object to this claim  
15          because if the claim is allowed, I will be required to pay the entire loan and interest  
16          attached to the loan without any deduction for the following wrongs:

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18           • An Ameriquest agent induced my wife and I to enter into this loan in  
19            2004, based on the false promise that Ameriquest would allow me to  
20            refinance the loan to a lower interest rate in a year on a thirty year fixed  
21            rate. This was a lie. All of the harms to me come from our attempts to

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23           <sup>1</sup> The full name is Deutsche Bank National Trust Company, as Trustee for  
24          Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through  
25          Certificates, Series 2004-R5 (hereinafter "Deutsche Bank").

OBJECTION TO CLAIM

1 handle a loan that was too expensive for us and Ameriquest  
2 deception through its agent.

3 • Ameriquest appears to have transferred the loan to a trust managed by  
4 Deutsche Bank without ever informing us of the transfer. It made this  
5 transfer to avoid any liability associated with its loan.

6 • Between 2004 and 2013, Deutsche Bank never properly informed us  
7 of the owner of the loan. Instead, there was an alphabet of various  
8 servicers who kept appearing and claiming right to payment. We  
9 simply couldn't trust them, and they never disclosed the owner of the  
10 loan.

11 • We filed a bankruptcy under case 08-10108. In that case, we agreed to  
12 pay monthly payments to Citi Residential Lending which claimed to  
13 own the loan secured by our residence. The plans arranged to make  
14 payments to Citi Residential of \$2,378.28 per month. However, Citi,  
15 and its successor, Homeward Residential refused to accept these  
16 payments. We eventually amended the proposed plan in February of  
17 2009. However, Citi should have accepted and received \$19026.24 in  
18 payments. Citi refused these payments so the money went to  
19 unsecured creditors and other creditors in the case.

20 • I should not be punished for Citi's refusal to accept this money by now  
21 paying this amount plus over ten years of interest because it refused to  
22 accept the Chapter 13 Trustee's payments.

23 • With Citi being non-cooperative, we amended the plan and obtained a

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OBJECTION TO CLAIM

1 discharge. Deutsche Bank, through Citi or otherwise, never moved for  
2 relief from stay, during the bankruptcy. Further, it never sent  
3 statements to us until at least 2013.

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- 5 • From my perspective, there has been no mortgage as of 2012, when  
6 we completed bankruptcy and obtained a full discharge. All payments  
7 were made in full during the bankruptcy to get the discharge.
- 8 • Deutsche Bank never filed an adequate claim in chapter 13 cases in  
9 2006 and 2008, that identified its ownership in a meaningful way.
- 10 • Years after completing a Chapter 13 plan in 2009, Deutsche Bank,  
11 having slept on its rights for years, came forward with its hand out.
- 12 • I lost the chance during these years to refinance this property, but  
13 instead, maintained the property for them at my expense while the  
14 interest and other charges ballooned.
- 15 • It was only in 2013 or 2014 that Deutsche Bank finally fully disclosed  
16 its ownership, when it was far too late to make them responsible for  
17 Ameriquest's wrongs.
- 18 • Most recently, when Deutsche Bank scheduled a sheriff sale of my  
19 property, I retained a realtor at the top of the market and made  
20 arrangements to sell my property. This was stalled when Deutsche  
21 Bank submitted a bogus payoff to me of \$599,000 that they demanded  
22 to stop the foreclosure sale. This is a number they are not even  
23 seeking in the present claim. This deprived me of the opportunity to  
24 sell the property at the top of the market and obtain a higher payoff
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OBJECTION TO CLAIM

1 than I will likely get in the future.  
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3 I have attached a declaration detailing these facts.  
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6 Given this history, I am asking that the court apply an equitable theory under  
7 Washington law or Bankruptcy Law to reduce or deny the Deutsche Bank Claim #3.  
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9 November 4, 2022  
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13 Curtis Harris  
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OBJECTION TO CLAIM